



C11401

7/23/02

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of : Karl-Heinz THIERAUCH et al.

Serial No.: 09/936,133

Group Art Unit: Unassigned

Filed: September 7, 2001

Examiner: Unassigned

For: HUMAN NUCLEIC ACID SEQUENCES AND PROTEIN SEQUENCES FROM  
ENDOTHELIAL CELLS**INFORMATION DISCLOSURE STATEMENT UNDER 37 CFR §§ 1.56, 1.97 and 1.98**Assistant Commissioner for Patents  
Washington, D. C. 20231**RECEIVED**

Sir:

JUL 19 2002

TECH CENTER 1600/2900

**CITED MATERIALS**

Applicant(s) hereby disclose the information listed in the attached form PTO-1449.

- Copies of materials listed but not attached were cited in parent application Serial No. \_\_\_\_; see 37 C.F.R. § 1.98(d).
- Copies of materials listed but not attached were cited in an International Search Report dated November 23, 2000; receipt of the International Search Report and copies of references was confirmed by the PCT International Division of the U.S. PTO in the Notice of Acceptance mailed June 13, 2002.

**ADDITIONAL INFORMATION****LANGUAGE**

- All listed materials are in the English language; see 37 C.F.R. § 1.98.
- Non-English language references:
- The reference(s): \_\_\_\_\_ in the English-language is (are) indicated by commercial data bases to correspond to the reference(s): \_\_\_\_\_, respectively.
- (An) English-language translation(s) of the references: \_\_\_\_\_ is (are) provided.
- A commercial English-language abstract of reference(s) \_\_\_\_\_ is (are) provided.
- An English-language search report or an equivalent paper from a foreign patent office translated into English in pertinent part in connection with a counterpart foreign application, is provided indicating the relevance of the cited reference(s).

## FEES

- No fee is required for this Information Disclosure Statement because:
- This Information Disclosure Statement is being filed within three months of the filing date of a national application (other than a CPA) under § 1.53(d) or within 3 months of the date of entry of the national stage under § 1.491 in an international application;
- This Information Disclosure Statement is being filed before the mailing of a first action on the merits;
- This Information Disclosure Statement is being filed after a first action on the merits but before the mailing date of any of a final action under § 1.113, a notice of allowance under § 1.311, or an action that closes prosecution in the application, and is accompanied by a certification below.
- This Information Disclosure Statement is filed under 37 C.F.R. § 1.97(i).
- A fee is required for this Information Disclosure Statement:
- This Information Disclosure Statement is being filed after a first action on the merits but before the mailing date of any of a final action under § 1.113, a notice of allowance under § 1.311 or an action that closes prosecution, and is accompanied by the fee set forth in § 1.17(p).
- This Information Disclosure Statement is being filed after the mailing date of a final rejection or a notice of allowance under § 1.311 or an action that closes prosecution, but before the payment of the issue fee, and is accompanied by the fee set forth in § 1.17(p) and a certification below.

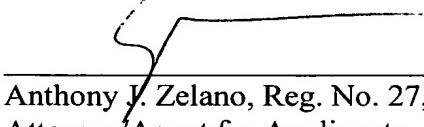
## CERTIFICATION

- Each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this statement.
- No item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application and, to the knowledge of the undersigned, having made reasonable inquiry, no such item was known to any individual designated in 37 CFR § 1.56(c), more than three months prior to the filing of this statement.

DEPOSIT ACCOUNT

If a fee is due, attached is a check in the amount of \$\_\_\_\_\_. However, the Commissioner is hereby authorized to charge fees under 37 CFR § 1.16 and § 1.17 which may be required to facilitate this filing, or credit any overpayment to Deposit Account #13-3402, two copies of this paper are attached for this purpose.

Respectfully submitted,

  
Anthony J. Zelano, Reg. No. 27,969  
Attorney/Agent for Applicants

MILLEN, WHITE, ZELANO  
& BRANIGAN, P.C.  
Arlington Courthouse Plaza 1  
2200 Clarendon Blvd. Suite 1400  
Arlington, Virginia 22201  
Telephone: (703) 243-6333  
Facsimile: (703) 243-6410

Attorney Docket No.: SCH-1821

Date: July 17, 2002  
AJZ:jr



Please type a plus sign (+) inside this box

+

PTO/SB/08A (08-00)

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no person is required to respond to a collection of information unless it contains a valid OMB control number.

**Substitute for form 1449A/PTO**

## **INFORMATION DISCLOSURE STATEMENT BY APPLICANT**

(use as many sheets as necessary)

Sheet 1 of 2

***Complete if Known***

Application Number	09/936,133
Filing Date	September 7, 2001
First Named Inventor	Karl-Heinz THIERAUCH et al.
Group Art Unit	Unassigned
Examiner Name	Unassigned
Attorney Docket Number	SCH-1821

## **U.S. PATENT DOCUMENTS**

## **FOREIGN PATENT DOCUMENTS**

Examiner Signature		Date Considered	
-----------------------	--	--------------------	--

**EXAMINER:** Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Unique citation designation number. <sup>2</sup> See attached Kinds of U.S. Patent Documents. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Applicant is to place a check mark if English language Translation is attached.

**Burden Hour Statement:** This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

RECEIVED

JUL 19 2002

TECH CENTER 1600/2900

Please type a plus sign (+) inside this box →



PTO/SB/08A (08-00)

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number

Substitute for form 1449A/PTO

## INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary)

Sheet

2

of

2

### Complete if Known

Application Number	09/936,133
Filing Date	September 7, 2001
First Named Inventor	Karl-Heinz THIERAUCH et al.
Group Art Unit	Unassigned
Examiner Name	Unassigned
Attorney Docket Number	SCH-1821

### OTHER PRIOR ART -- NON PATENT LITERATURE DOCUMENTS

Examiner Initials *	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
	✓	EMBL Datenbank, Heidelberg, FRG Emest_Hum1 Eintrag No. AA605117, September 30, 1997.	
	✓	Thomas et al., "Inhibition of vascular endothelial cell growth factor by an endogenously encoded soluble receptor", Proceedings of the National Academy of Sciences of USA, Bd. 90, Nr. 22, November 15, 1993.	
	✓	PRÖLS et al. "Differential Expression of Osteopontin, PC4, and CEC5, a Novel mRNA species, during in vitro Angiogenesis", Experimental Cell Research, Bd. 239, Nr. 1, February 25, 1998.	
	✓	EMBL Datenbank, Heidelberg, FRG Emhum5 Eintrag No. AL050367, May 27, 1999.	

Examiner Signature

Date Considered

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Unique citation designation number. <sup>2</sup> Applicant is to place a check mark here if English language Translation is attached.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

RECEIVED

JUL 19 2002

TECH CENTER 1600/2900